

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**TANCI ISSA BALZAN, #42495-177,
Petitioner,**

v.

**UNITED STATES OF AMERICA,
Respondent.**

§
§
§
§
§

3:12-CV-4815-D

ORDER

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the magistrate judge, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Because petitioner filed his petition under 28 U.S.C. § 2241, he is not required to obtain a certificate of appealability to appeal. *Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005) (per curiam). The court certifies, however, that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3). In support of this finding, the court adopts and incorporates by reference the magistrate judge's findings, conclusions and recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.21 (5th Cir. 1997). Based on the findings and recommendation, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

January 31, 2013.


SIDNEY A. FITZWATER
CHIEF JUDGE